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Name: Commissioner of Patents

Art Unit: 3763

Examiner: Theodore Stigell

Phone:

From: Tom H. Dao
Reg No. 44,641

Re: Application No. 10/779,370
Filed February 13, 2004
Entitled SHORT CATHETER

File: K163:51964

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO
THE UNITED STATES PATENT AND TRADEMARK OFFICE ON November 1, 2006.



Barbara L. Button

*Correspondence: Terminal Disclaimer to Obviate a Double Patenting
Rejection (2 pgs) and Transmittal for Terminal Disclaimer (1 pg)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kevin Woehr
Application No. : 10/779,370
Filed : February 13, 2004
Title : SHORT CATHETER

Confirmation No. 7894

Grp./Div. : 3763
Examiner : Theodore J. Stigell

Docket No. : 51964/K163

TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
November 1, 2006

Commissioner:

I hereby certify that I am the attorney of record in this application and am authorized to execute this disclaimer on behalf of the assignee; and I further certify that the evidentiary documents have been reviewed and that assignee, to the best of my knowledge and belief, has title to the above-identified application and patent.

B. BRAUN MELSUNGEN AG, having a place of business at Carl-Braun-Strasse 1, 34212 Melsungen, Germany, represents: (a) that it is the assignee of the entire interest in U.S. patent Application No. 10/779,370, filed February 13, 2004, and entitled SHORT CATHETER, by virtue of the assignment recorded in the United States Patent and Trademark Office at reel 011358, frame 0713; and (b) that it is the assignee of the entire interest in U.S. Patent No. 6,709,419, by virtue of the assignment recorded at reel 011358, frame 0713.

B. BRAUN MEDICAL INC. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent issued in connection with application number 11/327,206, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title thereto shall be the same as the legal title to the U.S. Patent issued in

11/02/2006 YPOLIE1 00000045 031728 10779370

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Application No. 10/779,370

connection with application number 11/327,206, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.


In making the above disclaimer, B. BRAUN MEDICAL INC. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent issued in connection with application number 11/327,206, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and further that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Respectfully submitted,

CHRISTIE PARKER & HALE, LLP

By



Tom H. Dao
Reg. No. 44,641
626/795-9900

THD/blb

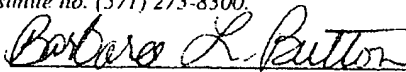
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PATENT

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Barbara L. Button

Applicant : Kevin Woehr
Application No. : 10/779,370
Filed : February 13, 2004
Title : SHORT CATHETER
Grp./Div. : 3763
Examiner : Theodore Stigell
Docket No. : 51964/K163
Customer No. : 23363

Confirmation No. 7894

TRANSMITTAL FOR TERMINAL DISCLAIMER TO
OBVIATE A DOUBLE PATENTING REJECTION

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Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
November 1, 2006

Commissioner:

Enclosed is a Terminal Disclaimer to Obviate a Double Patenting Rejection for the above-identified patent application.

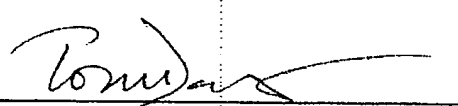
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CHRISTIE, PARKER & HALE, LLP

By


Tom H. Dao
Reg. No. 44,641
626/795-9900

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Enclosure: Terminal Disclaimer
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